

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA
v.

CRIMINAL NO. 05-40006-FDS-01


Heriberto Rodriguez
Defendant.

ORDER
August 17, 2005

It is hereby ordered that the **Fitchburg Juvenile Court** provide copies of all documents in its possession regarding **Heriberto Rodriguez, DOB: 11/13/79, PCF# 2168009** to the United States Probation Office of the District of Massachusetts. The information contained in the documents regarding **Mr. Rodriguez's** juvenile criminal record is necessary for the completion of the presentence report.

Pursuant to Rule 32(d)(2)(A) of the Federal Rules of Criminal Procedure, the presentence report must contain information about a defendant's history and characteristics, including any prior criminal record, financial condition, and any other circumstances that, because they affect the defendant's behavior, may be helpful in imposing sentence or correctional treatment. Pursuant to 18 U.S.C. §3553(a) of the Federal Criminal Code, the court in determining a particular sentence shall consider the nature and circumstances of the offense and the history and characteristics of the defendant and the need for the sentence to be imposed.

Pursuant to Rule 32(d)(1) of the Federal Rules of Criminal Procedure, the presentence report must contain information about the classification of the offense and the defendant under the categories established by the Sentencing Commission and the probation officer's explanation of any factors that may suggest a different sentence-within or without the applicable guideline-that would be more appropriate, given all the circumstances. Pursuant to 18 U.S.C. §3553(a) of the Federal Criminal Code, the court is to impose a sentence that is sufficient, but not more than necessary, to accomplish the objectives of sentencing.


F. DENNIS SAYLOR, IV
U.S. DISTRICT JUDGE